



## CITY OF HAYWARD

### AGENDA REPORT

AGENDA DATE 07/02/02

AGENDA ITEM 7

WORK SESSION ITEM       

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Zone Change No. PL-2002-0210 and Tentative Tract Map No. 7263 - Ronald Ko (Applicant), Eric Tang/Pilar Escand Aberasturi/Reliance Investment (Owner) – Request to Modify the Preliminary Development Plan for a Planned Development (PD) District and to Approve a Tentative Tract Map to Accommodate 14 Townhouses - The Property is Located at 28538 Huntwood Avenue

#### RECOMMENDATION:

The Planning Commission and staff recommend that the City Council introduce and adopt, respectively, the attached ordinance and resolution approving the Negative Declaration, Zone Change, the Preliminary Development Plan, and the Tentative Map, subject to the conditions of approval.

#### DISCUSSION:

An earlier planned development application for the construction of 18 units on this property was approved in September 1992. The project was not built due to the economic conditions at that time.

On April 25, 2002, the Planning Commission recommended approval of a Negative Declaration, zone change and tentative tract map to create 14 townhouse parcels and a common parcel. The project is proposed for a 53,020-square-foot vacant parcel located on the east side of Huntwood Avenue, south of West Tennyson Road. The site is bordered by Continental Mobile Home Park to the east and south in the *Mobile Home* (MH) zoning district. Raintree Condominiums are to the north in the *Medium-Density Residential* (RM) zoning district and single-family homes in the *Single-Family Residential* (RS) zoning district are located to the west across Huntwood Avenue.

The fourteen, two-story townhouses are placed on lots ranging from 1,612 to 2,102 square feet in area. The ground floor of each unit consists of a two-car garage, a living room, dining room, kitchen, laundry facilities and a half-bathroom. The second floor consists of 3 or 4 bedrooms, and 2 bathrooms. The garages are accessible from the interior common drives. Four visitor parking spaces are centrally located within the project.

The project is designed to preserve 11 of the 16 mature trees including two small clusters of Redwood trees, a 38-inch Live Oak and a 38-inch London Plane Tree. Units are clustered in small groupings to preserve the trees. The conditions of approval require two additional trees to be retained and a 24-inch Walnut and a 19-inch Cedar. Three trees will be removed due to disease or location.

The buildings are contemporary in design, with earth-tone stucco walls and trim and tan concrete tile hipped roofs. The roof design is varied. The Huntwood Avenue elevations include recessed entries accessible through a gabled archway to provide the residents privacy and give a sense of separation from the street. Sliding glass doors allow entry onto private patios from the dining rooms, except that standard doors serve the patios of the units along the easterly edge of the site.

The Planning Commission recommended that the standard doors be replaced with sliding glass doors; a condition of approval requires that change.

Adequate private and group open space is provided. The 14 townhouses require a total of 4,900 square feet of open space. An outdoor group open space of 4,834 square feet is provided in the northeasterly corner of the site; a minimum of 1,400 square feet is required. This open space area takes advantage of an existing grove of redwoods. The Planning Commission recommended that this area be furnished with picnic tables, benches, and a play area for children; a condition of approval requires these amenities.

All townhouses, except for the unit located in the center of the Huntwood Avenue frontage, have a private open space area in the form of a fenced, 20-foot deep yard with a small covered patio. The Planning Commission recommended that all units have a private yard area. The site plan has the capability of providing a yard area to all units and a condition of approval requires this amenity.

The project requires 30 parking spaces. Each of the 14 townhouses will have a two-car garage and 4 visitor parking spaces are located in a central parking area for a total of 32 spaces. AC Transit bus stops are located on Huntwood Avenue and on Tennyson Road.

The project meets the City's Design Guidelines for infill multi-family residential in that the townhouses maintaining the setbacks and the mass and scale of the adjacent multi- and single-family developments. In addition, the townhouses are clustered to allow the preservation of mature trees. The architecture is of a design theme with materials and colors that are compatible with adjacent development. Facades are articulated and rooflines are varied. Privacy of the neighbors internal and external to the development has been taken into consideration.

Using the Student Generation Factors provided by the Hayward Unified School District, this development would generate approximately 3 students that can be served by Bowman Elementary, Chavez Middle School or Tennyson High School.

It was determined that the project would not have a significant effect on the environment and a negative declaration has been prepared.

## **CONCLUSION**

The Planning Commission found the project to be consistent with the Tennyson-Alquire Neighborhood Plan, and the adopted land use policies of the General Policies Plan. These policies encourage the maintenance of the single-family residential character, the contribution of an attractive neighborhood pattern and opportunities for home ownership.

Prepared by:



Arlynne J. Camire, AICP  
Associate Planner

Recommended by:



Sylvia Ehrenthal  
Director of Community & Economic Development

Approved by:

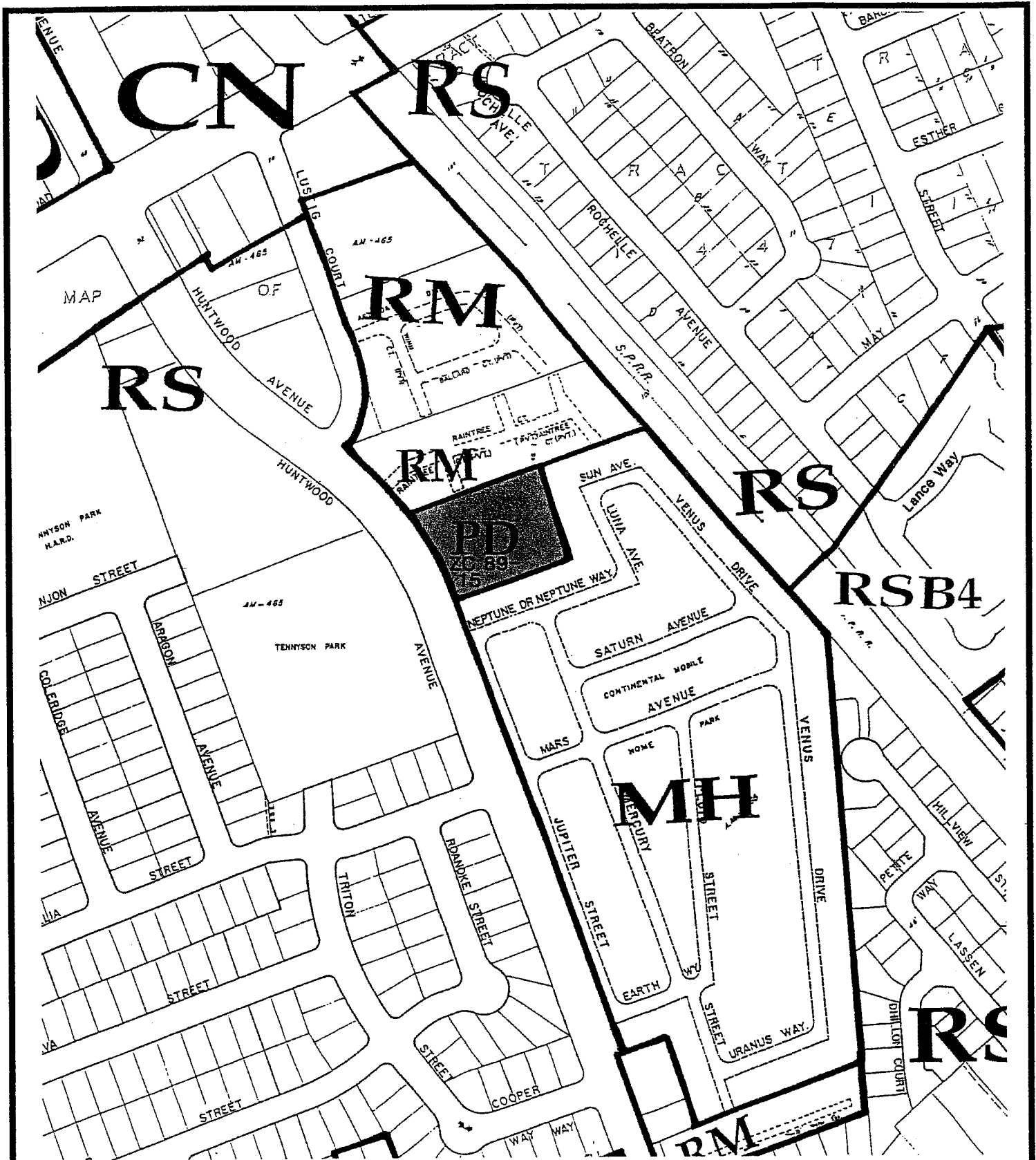


Jesús Armas, City Manager

Exhibits:

- A. Area Map
- B. Planning Commission Meeting Minutes and Staff Report, dated April 25, 2002
- C. Findings for Approval of Zone Change
- D. Findings for Approval of Preliminary Plan
- E. Conditions of Approval of Zone Change and Preliminary Plan
- F. Findings for Tentative Tract Map 7263
- G. Conditions of Approval for Tract Map 7263
- H. Negative Declaration and Initial Study  
Plans and Tentative Tract Map 7263  
Draft Resolutions

6/25/02



**Area & Zoning Map**

SPR 01-130-16

Address: 28538 Huntwood Avenue

Applicant: Ronald Ko

Owner: Eric Tang/Pilar Escand Aberasturi/Reliance Invest.

## MINUTES



REGULAR MEETING OF THE PLANNING  
COMMISSION, CITY OF HAYWARD, Council  
Chambers

Thursday, April 25, 2002, 7:30 P.M.  
777 "B" Street, Hayward, CA 94541

Commissioner Bogue said he was not comfortable adding the bike racks since it is a private open space for residents. He agreed to add an amendment to strengthen Condition 27 the "the Homeowners will seek approval from the Planning Director for any changes over time as well as the quality of the equipment." This was agreed to.

Commissioner Sacks said she wants to make sure this is a flexible condition and that the Association needs the flexibility to be able to remove swing sets or put in bike racks.

Chairperson Halliday commented that she appreciated the neighbors coming in for this item. The Commission really did listen, however, we cannot build two or three houses on that site. The City is not in the business of building houses. The zoning would allow development that could contribute more problems. This project fits the City's plan to provide higher density pedestrian oriented development in the proximity of the BART stations. The traffic concerns for that area will be passed along to Traffic Services Manager.

Commissioner Zermeño instructed the neighbors to be persistent to get their traffic concerns addressed.

The motion passed 6:0:1, with Commissioner Williams absent.

3. **Zone Change No. PL-2002-0210 and Tentative Tract Map No. 7263 - Ronald Ko (Applicant), Eric Tang/Pilar Escand Aberasturi/Reliance Invest (Owner) - Request to Modify a Planned Development (PD) District and to Approve a Tentative Tract Map to Accommodate 14 Townhouses- The Property Is Located at 28538 Huntwood Avenue, South of West Tennyson Road, in the Planned Development (PD) District**

Associate Planner Camire described the development as an in-fill project with condominiums to the north as 14-townhomes, with numerous mature trees on the site. The clustering of the units takes advantage of the various trees on the property. The trees and project design will provide for a pleasant environment. The homes range from 3-4 bedrooms. There are no windows exposed to the neighbor's properties. Each home will have a 2-car garage and heavy landscaping. Therefore staff recommends approval of the project. The project meets the homeownership goals of the City.

Commissioner Zermeño asked about the open space area. He was told it amounts to approximately 27,000 square feet and includes the patio areas behind the homes, which are considered private open spaces. He then asked about the concrete patio in Unit 4, and whether this was for the Fire Engines, if not, why concrete is used instead of grass. He also discussed the preservation of the trees on the property.

Associate Planner Camire responded that if the Commission wishes the concrete area to be landscaped, it could be changed. She then noted that there is a condition for the sidewalk to meander around the trees to maintain them. The 3<sup>rd</sup> tree to the south may need to be removed as

it is in the street right-of-way.

Commissioner Zermeño commented that the whole area was beautiful with the trees.

Associate Planner Camire noted that as it is conditioned, if the trees are healthy, they must be saved. Staff added a condition for an arborist to determine the health of the trees.

Chairperson Halliday commented that the redwood trees are nice and it will be appealing to have so much open space with trees.

The public hearing was opened at 8:50 p.m.

James Chow, one of the applicants, again thanked the staff, and said they agree with the Conditions of Approval.

The public hearing was closed at 8:51 p.m.

Commissioner Bogue asked which unit does not have a private closed yard.

Commissioner Zermeño **moved**, seconded by Commissioner Thnay, to approve the staff recommendation.

Commissioner Sacks commended the developer on saving the trees and not putting a straight wall or fence along the front property line.

Chairperson Halliday added that she was really pleased to see the use of the trees on the site. It is a very nice design for the open space in the urban area. She also appreciated preserving the open space for children's play areas.

The motion passed 6:0:1, with Commissioner Williams absent.

#### **ADDITIONAL MATTERS**

##### **3. Oral Report on Planning and Zoning Matters**

Planning Manager Anderly announced the tour on Saturday and that the next meeting would be on May 23. Both Commissioner Sacks and Chairperson Halliday said they would not be able to attend that meeting.

##### **4. Commissioners' Announcements, Referrals**

Commissioner Sacks commented further on Item 1 and discussed what information neighbors should be given.

Commissioner Zermeño added that the neighbors did not seem to understand that this project would not increase the traffic on 11<sup>th</sup> Street. He then added a work request for maintenance to look at the light standards on Jackson at the intersection with Mission. He said the light standards need paint.



## CITY OF HAYWARD AGENDA REPORT

Meeting Date 04/25/02

Agenda Item 2

**TO:** Planning Commission

**FROM:** Arlynn J. Camire, AICP, Associate Planner

**SUBJECT:** Zone Change No. PL-2002-0210 and Tentative Tract Map No. Tract 7263-Ronald Ko (Applicant), Eric Tang/Pilar Escand Aberasturi/Reliance Invest(Owner) – Request to Modify a Planned Development (PD) District and to Approve a Tentative Tract map to Accommodate 14 Townhouses

*The Property Is Located at 28538 Huntwood Avenue, South of West Tennyson Road, in the Planned Development (PD) District*

### RECOMMENDATION:

It is recommended that the Planning Commission recommend that the City Council:

1. Adopt the Negative Declaration;
2. Approve the zone change application and the preliminary development plan subject to the attached findings and conditions of approval; and
3. Approve Tentative Map Tract 7263 subject to the attached findings and conditions of approval.

### DISCUSSION:

#### Setting

The 53,020-square-foot vacant parcel is located on the east side of Huntwood Avenue, south of West Tennyson Road. The site is bordered by Continental Mobile Home Park to the east and south in the *Mobile Home* (MH) zoning district. Raintree Condominiums are to the north in the *Medium-Density Residential* (RM) zoning district and single-family homes in the *Single-Family Residential* (RS) zoning district are located to the west across Huntwood Avenue.

An AC Transit bus stop is located south of the site, in front of the Continental Mobile Home Park. The AC Transit bus lines that can be accessed at this bus stop include Line 77 serving both Hayward and South Hayward BART stations daily. Lines 83, 86/386, and 91 are available within walking distance on Tennyson Road. Line 83 serves Industrial Parkway and South Hayward BART on weekdays and Lines 86 and 386 serve the southerly industrial park and South Hayward BART daily. Line 91 serves Chabot College and Hayward Kaiser Hospital weekdays.

## Project Description

The project is a zone change modifying a Planned Development that involves the subdivision of a vacant lot creating 15 parcels in order to construct fourteen, two-story townhouses on lots ranging from 1,612 square feet to 2,102 square feet in area. The ground floor of each unit consists of a two-car garage, a living room, dining room, kitchen, laundry facilities and a half bathroom. The second floor consists of 3 or 4 bedrooms, depending on the model, and 2 bathrooms. The garages are accessible from the interior common drives. Four visitor parking spaces will be centrally located. The proposed tentative map is intended to implement the project.

The project is designed to preserve as many of the mature trees as possible. Therefore, the units are clustered in small grouping, with two detached units. Three units front onto Huntwood Avenue.

A planned development for the construction of 18 units was approved on September 15, 1992. The project was not built due to the economy at the time. Therefore, this zone change is to modify the *Planned Development* (PD) District and is a procedural means to allow townhouse development where the property under the units is owned by the owner of the unit. PD District requires conformance to the standards of the General Policies Plan map designation. In this instance, the designation is *Planned Development* (PD) and the design and performance standards of the *Medium Density Residential* (RM) District are required to be met.

## Architecture

The seven various "types" of townhouses are contemporary in design, with earth tone cement plaster walls and trims and tan concrete tile hipped roofs. Some of the units have a gable pop-out on the front facade, a steep pitched roof component, or an offset hipped roof component. Three earthtone color schemes are proposed. The window details on all elevations include multi-paned windows. Sliding glass doors allow entry onto the patio from the dining room except on unit Types "C" and "D", located to the rear of the site. The Huntwood Avenue elevations include recessed entries accessible through a gabled archway to provide the residents privacy and give a sense of separation from the street. All models have decorative chimneys. Staff recommends that back doors that exit onto the patios of models Types "C" and "D" be replaced with sliding glass doors similar to those found on the other unit "types".

The project meets the City of Hayward Design Guidelines for infill multifamily residential in that the townhouses do not exceed two stories in height, maintaining the setbacks, and maintaining the mass and scale of adjacent multi- and single-family development. The townhouses on the Huntwood Avenue maintain the continuity of the landscaped front yard setbacks. In addition, the townhouses are clustered to provide better open space allowing the preservation of mature trees and vehicle access from shared driveways. The architecture utilizes a consistent design theme with materials and colors that are compatible within the project and with adjacent development. Facades are articulated and rooflines are varied. Privacy of the neighbors internal and external to the development has been taken into consideration. All interior second floor bedroom windows are offset from windows across the drive or are separated



by a common drive. The Raintree Condominiums north of the project do not have second story windows facing the site on the units fronting on Huntwood Avenue. The remaining units are adjacent to the group open space area. In both instances, the mature trees also act as a privacy screen between the existing and the proposed units.

### Open Space

The 14 townhouses require a total of 4,900 square feet of open space. A minimum of 1,400 square feet is required to be provided in group open space. Approximately 4,834 square feet of usable outdoor group open space has been provided in the northeastern corner of the site adjacent to the rear townhouse cluster. This open space area takes advantage of a grove of redwoods. Landscaped berms act as a barrier separating the group open space from the common drive. Staff recommends that this area be furnished with picnic tables, benches, and a play area for children.

All townhouses, except for the unit located in the center of the Huntwood Avenue frontage, will have a fenced yard area with a small covered patio. Seven townhouses will have a fenced yard ranging from 436 square feet in area to 455 square feet in area. Three units have an 800-square-foot fenced yard. Three units have a fenced yards ranging from 829 to 1,494 square feet in area. The adjoining 20-foot deep rear yards will provide adequate private open space. Staff recommends that the middle unit fronting on Huntwood Avenue have a small fenced yard area.

### Landscaping

The landscape plan takes full advantage of the preservation of mature trees. The trees to be preserved include redwoods located in the northwestern corner in the front yard set back, a 38-inch Live Oak located on the north side of the site, a 38-inch London Plane Tree located in the center of the site, a small cluster of Redwoods located in the northeastern corner of the site. The project has been designed specifically to preserve as many mature trees as possible and the additional landscaping. The applicant has provided a landscape plan prepared by a licensed landscape architect. All landscaping and front yard landscaping will be maintained by a homeowners' association. A 6-foot high wood fence will replace the chain link along the rear and the south side of the site adjacent to the mobile home park. The existing wood fence adjacent to the Raintree Condominiums is in good condition and is required to be maintained by the Raintree Condominiums Homeowner's Association. Additional wood fencing will be installed at the rear of the townhouses. The applicant is required to submit a fencing plan. The fencing shall be owned and maintained by the homeowners association.

In addition, staff recommends that the cedar and walnut trees located on the Huntwood Avenue frontage be preserved. The walnut tree is located within the public right-of-way and staff recommends that the sidewalk meander around the tree.

### Parking

The applicant is required to provide 30 parking spaces. Each of the fourteen townhouses will have a two-car garage and four visitor parking spaces are located in a central parking area in center of the project.

### Tentative Tract Map

The tentative tract map subdivides the 53,020-square-foot site into 14 townhouse parcels and one common parcel for a total of 15 parcels.

A townhouse subdivision differs from a condominium subdivision. Within a condominium subdivision an individual owns the air space within a unit but the building(s) and all the land within the subdivision are under common ownership. A townhouse subdivision allows an owner to own the building, a small plot of land under the building, and usually a patio and balcony area; the remaining land is under the common ownership of all owners within the subdivision. Both require the formation of a homeowners association and the creation of Conditions, Covenants and Restrictions (CC&R's).

There are existing utilities available in Huntwood Avenue to adequately serve this project. Huntwood Avenue is at the ultimate street width and is fully improved.

### Conformance to the Zoning Ordinance, the General Policies Plan and the Neighborhood Plan

The zoning designation is *Planned Development* (PD) and the General Policies Plan Designation is *Medium Density Residential* (MDR). The construction of multi-family housing is consistent with both the Zoning Ordinance and the General Policies Plan designation. The project is consistent with policies of the Tennyson-Alquire Neighborhood Plan specifically those policies regarding the maintenance of the single-family residential character and the contribution of an attractive neighborhood pattern. These policies are met by the provision of townhouses that appear to be much like single-family homes with private yards.

### Schools

This development will not generate a number of students that cannot be served by existing facilities. Using the Student Generation Factors for multiple family, as provided by the Hayward Unified School District the following is projected: (K-6: 1.358, 7-8: .49, 9-12: .49) or approximately 3 students that can be accommodated by Bowman Elementary (Kindergarten through 6<sup>th</sup> grade), Chavez Middle School or Tennyson High School. In addition, school fees will be collected prior to the issuance of a building permit.

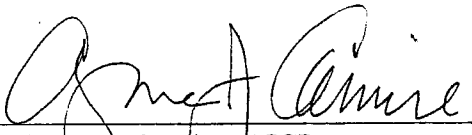
### **ENVIRONMENTAL REVIEW:**

In accordance with California Environmental Quality Act (CEQA) Guidelines, it was determined that this project could not have a significant impact on the environment and a negative declaration has been prepared.

**PUBLIC NOTICE:**

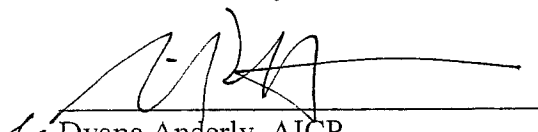
On April 5, 2002, a Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Tennyson-Aquire Neighborhood Plan Task Force. No responses were received from the notice.

Prepared by:

  
Arlynn J. Camire, AICP  
Associate Planner

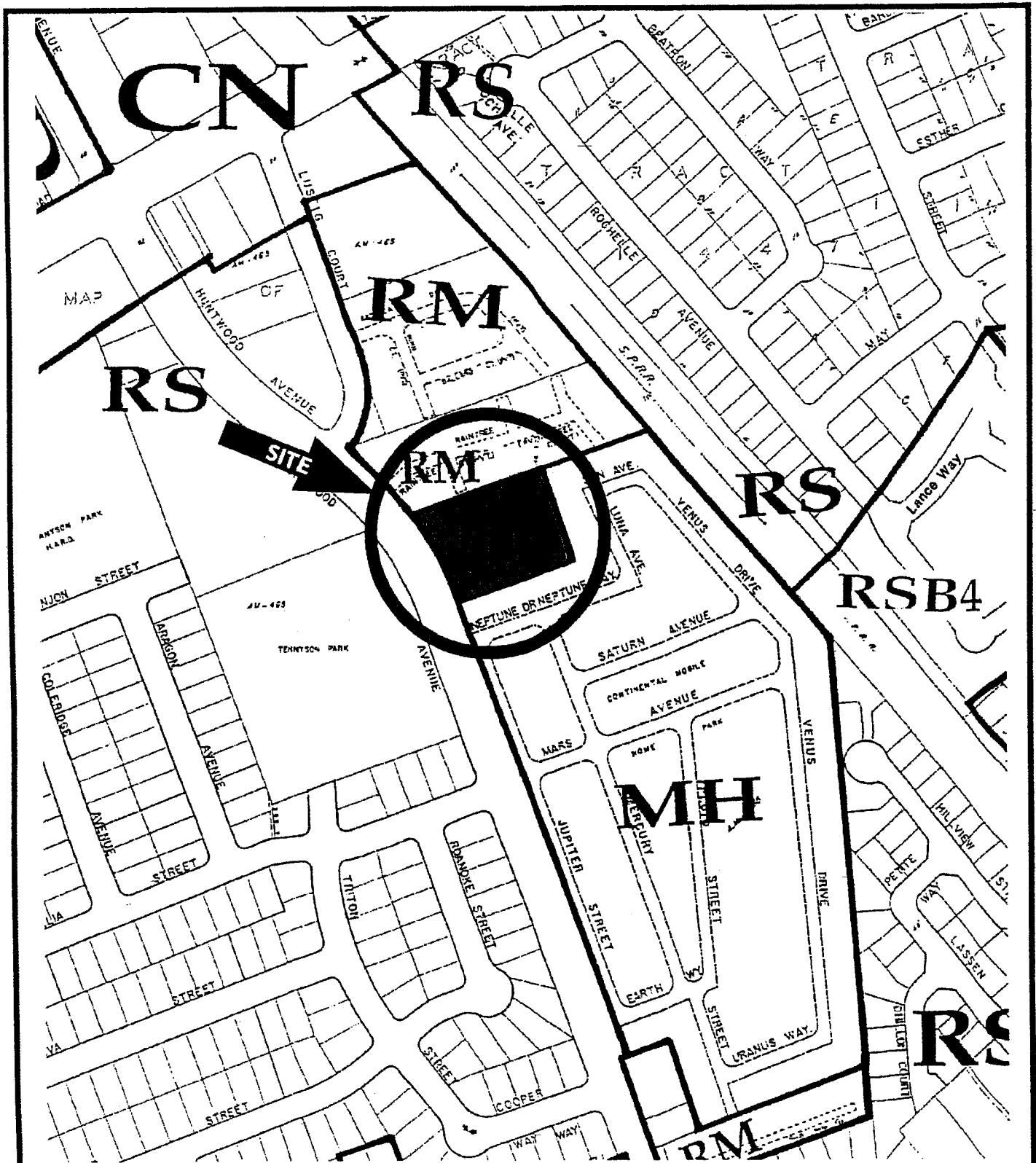
  
Tim R. Koonze  
Assistant Planner

Recommended by:

  
Dyana Anderly, AICP.  
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Approval of Zone Change
- C. Findings for Approval of Preliminary Plan
- D. Conditions of Approval of Zone Change and Preliminary Plan
- E. Findings for Tentative Tract Map No. 7263
- F. Conditions of Approval for Tract Map. No. 7263
- G. Negative Declaration and Initial Study  
Plans and Tentative Tract Map No. 7263



### Area & Zoning Map

SPR 01-130-16

Address: 28538 Huntwood Avenue

Applicant: Ronald Ko

Owner: Eric Tang/Pilar Escand

Aberasturi/Reliance Invest.

CN-Neighborhood Commercial

MH-Mobile Home Park

PD-Planned Development

RM-Medium Density Residential,RMB3.5,RMB4.

RS-Single-Family Residential,RSB4,RSB6

**Zone Change No. PL-2002-0210**  
**Ronald Ko (Applicant)**  
**Eric Tang/Pilar Escand Aberasturi/Reliance Invest(Owner)**  
**14 Townhouses**  
**28538 Huntwood Avenue**  
**Findings for Approval**

- A. The proposed project will not have a significant effect on the environment. A Negative Declaration has been prepared pursuant to the California Environmental Quality Act.
- B. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the 14 townhouses will be available for homeownership;
- C. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the zone change meets the policies of the General Plan Medium Density designation of the General Plan;
- D. Existing streets and public facilities are adequate to serve the 14 townhouses development in that the existing street system, the sewer and storm drain system and water system are able to accommodate this development.
- E. The residential uses permitted when the property is reclassified will be compatible with present and potential future uses allowed in the Planned Development district, and, further, a beneficial effect will be achieved, which is not obtainable under existing regulations, in that the 14-townhouse project can be built on a property that is not currently developed to its potential as prescribed by the General Policies Plan and the Tennyson-Alquire Neighborhood Plan.

**Zone Change No. PL-2002-0210**  
**Preliminary Development Plan**  
**Ronald Ko (Applicant)**  
**Eric Tang/Pilar Escand Aberasturi/Reliance Invest(Owner)**  
**14 Townhouses**  
**28538 Huntwood Avenue**  
**Findings for Approval**

- A. Approval of the preliminary development plan, as conditioned, could not have a significant impact on the environment, cumulative or otherwise, and a Negative Declaration has been prepared.
- B. The 14 unit townhouse development is in substantial harmony with the surrounding single- and multiple-family structures, and mobile home park and the General Plan designation of Medium-Density and the Tennyson-Alquire Neighborhood Plan in that it is appropriate to develop this site with medium-density multi-family housing because the single family residential character will be maintained. In addition, this development will contribute to an attractive neighborhood pattern
- C. Existing and proposed streets and utilities will be adequate to serve the development. The street is of an adequate size to accommodate the additional traffic trips that will be generated by this project.
- D. The development creates a residential environment of sustained desirability and stability in that adequate open space has been provided, and park and school fees will be paid. In addition, the 14 townhouses will have no substantial adverse effect upon surrounding development in that it is compatible with the residential neighborhood and consistent with the housing density permitted on this site by the General Plan and the Zoning Ordinance.
- E. The exceptions that are necessary for the approval of the Planned Development are adequately compensated for by providing the opportunity for home ownership of 14 townhouses. In addition, a quality infill residential project will be constructed on a parcel that has remained vacant since 1989.

**Zone Change PL-2002-0210 and Preliminary Plan**  
**Ronald Ko (Applicant)**  
**Eric Tang/Pilar Escand Aberasturi/Reliance Invest(Owner)**  
**14 Townhouses**  
**28538 Huntwood Avenue**  
**Conditions of Approval**

1. The proposed improvements shall be constructed and installed according to the preliminary plans labeled Exhibit "A", except as required to be modified by these conditions of approval. This approval is void two year after the effective date of approval unless prior to that time a building permit has been accepted by the City of Hayward Building Official to construct the project. Any modifications to the approved plans or conditions shall require prior review and approval from the Planning Director.
2. Prior to final inspection of the townhouses or occupancy (whichever occurs first), all improvements and conditions of approval shall be completed to the satisfaction of the Planning Director.
3. The final map shall be filed and approved by the City and in the County Records Office prior to the issuance of a certificate of occupancy of any home with the exception of those homes used as models.
4. Prior to the sale of any townhouse, the applicant shall create a Homeowners Association and shall record the CC&R's. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation. The Homeowner Association shall be responsible for implementing all storm water measures and the maintenance of all private driveway, private utilities, and other common areas and facilities on the site, including all landscaping.
5. The garage of each unit shall be maintained for off-street parking and shall not be converted to living area or storage. This requirement shall be incorporated into the project's CC&R's. The four open parking spaces shall not be used by project residents. Spaces shall be marked as "visitor only". Vehicles parked contrary to this provision shall be removed by the project homeowners association. Inoperable vehicles and other storage are prohibited in guest parking spaces. This requirement shall be reflected in the CC&Rs of the homeowner association.
6. The homeowners association shall maintain in good repair all streets, parking surfaces, common area and front yard landscaping and irrigation, street lighting, drainage improvements and fence. Any graffiti painted on the fence shall be painted out or removed within seven days of occurrence. The fence shall be treated with a graffiti sealant.
7. Prior to the sale of any individual unit, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping, open space amenities and sound walls. Each owner shall automatically



become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair.

8. Any appropriate historical artifacts unearthed on the site in connection with the construction of the proposed project shall be offered to the Hayward Area Historical Society at no charge.
9. If any human remains are found during grading or construction, all work will be stopped and police called to investigate.
10. Utility meters shall be located at the sides of the residences and shall be screened by plant material or other approved material and shall provide sufficient distance for reader access.
11. Mechanical equipment, such as air conditioners, shall be prohibited on the roof of any building.
12. The Planning Director shall approve the colors and materials of the structures prior to the issuance of the building permit.
13. Upon application for a building permit, show elevations of top of curb, pavement and grade breaks; show location of water services and sewer laterals with a minimum separation of 6 feet; show water meters a minimum of 2 feet clear of top of driveway flare.

#### **Fire Department**

14. All curbing except for those along designated parking spaces within the proposed development shall be painted red. "No Parking-Fire Lane" signage shall be posted at every 100 linear feet along the private driveway. There shall be no parking of vehicles on either side of the driveway
15. A new fire hydrant is required for the development and it shall be located across from lot #5 within the landscape island, approximately 60' into the development from the driveway entrance. The type of fire hydrant required shall be double steamer (2-4 ½" outlets and 1-2 ½" outlet) capable of flowing 3,000 gpm at 20 psi. In addition, a blue reflective pavement marker shall be installed adjacent to the fire hydrant location. Crash posts may be required for the fire hydrant pending field inspection.
16. The proposed development is for townhouses which are to be classified as a R-3 occupancy. The units will be required to have a two-hour separation (one hour rated separation walls between each unit) including all vertically constructed from floor to roof, including the attic space.
17. All buildings shall have individual address numbers posted so as to be visible from the street. Address numbers shall be a minimum of 6-inches.
18. Smoke detectors required per the California Building Code.

19. Automatic fire sprinkler systems conforming to N.F.P.A. 13-D Standards shall be installed within each townhouse unit. The fire sprinkler protection shall be modified to include garage and attic fire sprinkler protection for each unit. The fire sprinkler system shall be equipped with a local alarm bell that shall be installed in an approved location on each townhouse unit.

### **Solid Waste**

20. At building permit issuance, a Construction & Demolition Debris Recycling Statement & Summary Report is required to be filed with the Solid Waste Division, Public Works Department. All construction debris is required to be recycled.
21. Adequate storage space for garbage/recycling containers shall be provided within the garage area and shall be accessible for collection. Size and location shall be designed to the satisfaction of the City of Hayward Solid Waste Manager.
22. If gates with locks are planned to limit access to the property, then the Applicant must provide keys or cards to the garbage company, Waste Management of Alameda County

### **Utilities**

23. Prior to granting occupancy, water services shall be installed by City crews at developer's expense. The application for water services shall be presented to the City inspector.
24. It is recommended that a separate irrigation meter be installed for common landscape areas. Install Reduced Pressure Backflow Prevention Assembly on the irrigation water meter per City of Hayward Standard Detail 202.
25. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per municipal Code 11-2.02.1. Please note this requirement on the plans submitted for a building permit.
26. Only water Distribution Personnel shall perform operation of valves on the Hayward Water System. Please note this requirement on the plans submitted for a building permit.
27. Water and sewer service available subject to standard conditions and fees in effect at time of application.
28. Development to be served by radio read meters.

### **Miscellaneous**

29. Each unit shall be equipped with security lighting over the garage. The light fixtures shall be decorative and shall be approved by the Planning Director.
30. The front door of each unit shall be equipped with a 180-degree security viewfinder.

## **Architecture & Site Planning**

31. Four picnic tables and benches, two barbeques and a children's play area shall be installed in the group open space area. Trees shall not be disturbed to meet this requirement.
32. Models "Type C" and "Type D" shall have sliding glass doors that lead to the patios.
33. A six-foot high redwood fence shall be provided at the property lines shared with adjacent residential properties.
34. A fence plan shall be submitted for the review and approval of the Planning Director.
35. To the satisfaction of the Planning Director, second floor windows shall be modified, if necessary, to preserve the privacy of existing residents.
36. Decorative pavement shall be installed at the driveway entry to the project site. The type and design shall be to approved by the Planning Director.

## **Landscaping**

37. Prior to issuance of a building permit, detailed landscape plans, irrigation plans and specifications shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscape plans must be approved by the City Landscape Architect and City Engineer. Mylar originals of the approved landscape plans shall be stamped approved and signed off by the City Landscape Architect and City Engineer. Approved original mylars shall be left on file with the Department of Public Works.
38. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. A Certificate of Substantial Completion and Irrigation Schedule shall be submitted by the project landscape architect prior to approval of occupancy of any units.
39. Submit a Landscape Water Use Statement.
40. The public right-of- way on Huntwood Avenue shall be landscaped and developed with a sidewalk which shall meander around the existing 24" Walnut tree.
41. The 19" Cedar tree located in the front yard set back shall not be removed unless approved by the City of Hayward, Landscape Architect.
42. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch high class "B" Portland Cement concrete curb.
43. Landscaping and trees shall be installed prior to occupancy of the townhouses, unless otherwise approved by the City's Landscape Architect.
44. A hose bib shall be provided in the front and rear yard of each unit.

45. Prior to certificates of occupancy, the required park dedication in-lieu fee shall be paid to the City. Per the City's Parkland Dedication Ordinance, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits.
46. For the installation of common area landscaping, the developer shall maintain the landscaping for a minimum of one-year following acceptance of tract improvements. The City may require a security deposit, bond, or surety to guarantee the maintenance of the landscaping.
47. Landscaping shall be maintained in a healthy, weed-free, condition at all times, with replacement plants provided where necessary. Required street and on-site trees that are severely topped or pruned shall be immediately replaced, as determined by the City Landscape Architect.
48. All existing trees that are indicated to remain, as indicated on the approved preliminary landscape plan, are not to be removed during the construction phase of this project.

### **Construction Activities**

49. All construction and demolition debris waste shall be recycled. Applicant is required to submit a Construction and Demolition Debris Recycling Statement and Summary Report.
46. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building permits. The general contractor and all subcontractors and suppliers of material and equipment shall implement these BMP's. Construction site cleanup and control of construction debris shall also be addressed in this program. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and ensure that measures are implemented. Failure to comply with the approved construction BMP's will result in the issuance of correction notices, citations or a project stop work order.
47. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plans shall identify BMP's appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff facilities. The project plan shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion & Sediment Control Handbook.
48. Construction activities shall be limited to the hours of 7:30 AM to 5:00 PM on weekdays only; there shall be no construction activities on the weekend or National holidays.
49. Construction equipment shall be properly muffled, and unnecessary idling shall be prohibited.
50. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied homes.

51. The developer shall provide the Planning Director with the name and telephone number of the developer or the developer's representative who may be contacted during the construction phase regarding neighborhood complaints or concerns

**FINDINGS FOR APPROVAL**  
**TENTATIVE TRACT MAP 7263**

1. The approval of Tentative Map Tract 7263, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project is exempt from California Environmental Quality Act (CEQA) under Section 15332, In-fill Developments”.
2. The tentative parcel map substantially conforms to the State Subdivision Map Act, the City’s Subdivision Regulations, the General Policies Plan, and the City of Hayward Zoning Ordinance.
3. The site is physically suitable for the proposed type of development.
4. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
6. Existing streets and utilities are adequate to serve the project.
7. None of the findings set forth in Section 64474 of the Subdivision Map Act<sup>1</sup> have been made.

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<sup>1</sup> The findings of Section 64474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CONDITIONS OF APPROVAL  
TENTATIVE TRACT MAP 7263**

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

**PRIOR TO THE RECORDATION OF THE FINAL MAP**

**IMPROVEMENTS**

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

**STREETS**

**Interior Private Street**

- 1) The private street shall have a minimum width of 25 feet right-of-way, 24 feet curb to curb, and shall be constructed to public street standards. The street must remain unobstructed for vehicular ingress and egress. Any gates, humps or similar improvements shall be approved by the Fire Marshall and the Planning Director.
- 2) The driveway approach shall be a minimum 24-feet-wide and designed to meet City of Hayward Standard SD-110 (six-foot-flares).
- 3) The onsite streetlights and pedestrian lighting shall have a decorative design approved by the Planning Director and the City Engineer.

**Huntwood Avenue**

- 4) A sidewalk along the Huntwood Avenue frontage shall be installed to City standards and shall conform the existing improvements.

**Storm Drainage**

- 5) The on-site storm drain system shall be a private system owned and maintained by the homeowners association.

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- 6) The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the Alameda County Flood Control and the City Engineer.
- 7) The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff.
- 8) The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
- 9) The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
- 10) The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
- 11) All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
- 12) At the connection point a storm water inlet shall be install at the curb face per the City of Hayward Standard Details. The inlet shall be a public inlet. The design and location shall be approved by the City Engineer.

#### **Sanitary Sewer System**

- 13) Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application.
- 14) The on-site sanitary sewer system shall be a private 8-inch building court main, designed with a manhole at all angle points and ending with a manhole. The sewer ejector and pressure line to the City sanitary sewer main shall be a private system. The sewer design shall meet the approval of the City Engineer.
- 15) Each unit shall have a separate sanitary sewer lateral that connects to the building court main.



### **Water System**

- 16) Water service is available subject to standard conditions and fees in effect at the time of application.
- 17) The proposed water supply system shall be public. Unless otherwise approved by the Public Works Director Utilities, the design shall be a looped system designed to City of Hayward standards.
- 18) Onsite water mains shall be located 5 feet from the face of curb on the opposite side of the street from the sewer main.
- 19) Water services shall be located 6 feet from sanitary sewer laterals.
- 20) Each unit shall be individually metered. The developer shall install individual radio read water meters.

### **Utilities**

- 21) All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, Pacific Bell Company and Pacific Bell Company Broadband Company regulations, including transformers.
- 22) All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed street shall be located outside of the sidewalk within the 5-foot-wide Public Utility Easement in accordance with the requirements of the City Engineer.
- 23) All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

### **Landscaping and Irrigation**

- 24) Prior to the approval of the improvement plans a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.
- 25) Minimum 24" box trees shall be planted along the property frontage. The City's Landscape Architect shall approve the type, number, and location of these trees.
- 26) Construct Class B Portland Cement concrete curbs to a height of 6-inches above the finished pavement anywhere landscaped areas adjoin driveway and parking areas.
- 27) Within all required landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed. A hose bib shall be provided within each private yard.

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### **Retaining Walls**

28) All proposed retaining walls shall be constructed with decorative reinforced concrete.

### **Dedications, Easements and Encroachment Permits**

29) The final map shall reflect:

- a. A 6-foot-wide public utility easements (PUE) along the Huntwood Avenue frontage.
- b. Dedication of public utility easements (PUE) abutting the proposed private street right-of-way. The location and PUE widths shall be approved by the City Engineer.

### **Conditions, Covenants, and Restrictions**

30) Prior to the sale of any individual unit, or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the private street, common area landscaping and open space amenities as depicted on the approved Tentative Map Tract 7263 and CC&R's prepared for the project which shall be reviewed and approved by the Planning Director that shall include the following conditions:

- a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
- b. A reserve fund shall be maintained to cover the costs of replacement and repair of the private street, common area landscaping and open space amenities.
- c. The association shall be managed and maintained by a professional property management company.
- d. Provisions for towing unauthorized vehicles from the site.
- e. A requirement that a Homeowners' Association Architectural Review Committee be established to review and approve all exterior improvements; including fences, walls or changes to individual homes to ensure consistency with the CC&Rs.
- f. The site shall be maintained in good repair, and free of debris at all times.
- g. A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 48 hours of inspection or within 48 hours of notification by the City's community Preservation Officer.

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- h. The homeowners' association shall maintain the irrigation system and maintain the landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within 10 days.
- i. Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association per Section 10-3.385 of the Subdivision Ordinance.
- j. A tree removal permit is required prior to the removal of any tree with a diameter of 10-inches or larger.
- k. Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.
- l. Each resident shall participate in the City's recycling program.

#### **Subdivision Agreement**

- 31) Execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332 of the Hayward Municipal Code, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

#### **PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS**

- 32) Required water system improvements shall be completed and operational prior to the start of combustible construction.
- 33) A minimum 24-foot-wide all-weather access road, engineered for 50,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

#### **DURING CONSTRUCTION**

- 34) The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
  - a. Grading and construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays;
  - b. Grading and construction equipment shall be properly muffled;

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- c. Unnecessary idling of grading and construction equipment is prohibited;
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
- f. The developer shall participate in the City's recycling program during construction;
- g. Daily clean-up of trash and debris shall occur on Huntwood Avenue.
- h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- n. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.

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- r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
  - s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
  - t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information;
  - u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
  - v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
- 35) A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
- 36) The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
- 37) Construction Administration services shall be provided by the project landscape architect. Services to include:
- a. Observation of irrigation system before buying pipes;
  - b. Observation of plant material upon delivery to the site;
  - c. Observation of layout and placement of plant material upon delivery to the site;
  - d. Observation for maintenance period commencement; and
  - e. Observation for final acceptance.

### **PRIOR TO ISSUANCE OF A BUILDING PERMIT**

- 38) Detailed landscape plans, irrigation plans, and specifications shall be prepared by a licensed landscape architect and submitted for review and approval by the City Landscape Architect and the City Engineer. Mylar originals of the approved landscape plans shall be stamped approved and signed off by the City Landscape Architect and the City Engineer. Approved original mylars shall be left on file with the Department of Public Works. (For small scale projects where review could be done with the turn around time for building permit review.)

### **PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY**

- 39) The applicant/developer shall pay the following fees, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits;
- a. Supplemental Building Construction and Improvement Tax;
  - b. School Tax; and
  - c. Park Dedication in-lieu fees for each unit.
  - d. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.
- 40) Any damaged curb, gutter and/or sidewalk along the Huntwood Avenue property frontage shall be repaired or replaced to the satisfaction of the City Engineer.
- 41) A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.
- 42) Prior to granting occupancy, water services shall be installed by City crews at the developer's expense. The application for water services shall be presented to the City Inspector.
- 43) Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.
- 44) All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
- 45) The street light electroliers shall be in operating condition as approved by the City Engineer.

ATTACHMENT F

**PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED**

- 46) All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
- 47) All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
- 48) An AC overlay along the Huntwood Avenue frontage may be required by the City Engineer, if it is determined that it is necessary due to deterioration resulting from heavy traffic during the construction.
- 49) The improvements associated with the Pacific Gas and Electric Company, Pacific Bell Company and Pacific Bell Broadband Company shall be installed to the satisfaction of the respective companies.
- 50) The subdivider shall submit an "as built" plan indicating the following:
  - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, Pacific Bell Company and Pacific Bell Broadband Company, etc; and
  - b. All the site improvements, except landscaping species, buildings and appurtenant structures.

ATTACHMENT F

**Zone Change No. PL-2002-0210  
Ronald Ko (Applicant)  
Eric Tang/Pilar Escand Aberasturi/Reliance Invest (Owner)  
14 Townhouses  
28538 Huntwood Avenue  
Findings for Approval**

- A. The proposed project will not have a significant effect on the environment. A Negative Declaration has been prepared pursuant to the California Environmental Quality Act.
- B. Substantial proof exists that the proposed zone change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the 14 townhouses will be available for homeownership.
- C. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the zone change implements the policies of the Medium-Density Residential designation of the General Policies Plan.
- D. Existing streets and public facilities are adequate to serve the 14 townhouses.
- E. The residential uses permitted when the property is reclassified will be compatible with present and potential future uses allowed in the Planned Development district, and, further, a beneficial effect will be achieved, which is not obtainable under existing regulations, in that the 14-townhouse project can be built on a property that is not currently developed to its potential as prescribed by the General Policies Plan and the Tennyson-Alquire Neighborhood Plan.



**Zone Change No. PL-2002-0210  
Preliminary Development Plan  
Ronald Ko (Applicant)  
Eric Tang/Pilar Escand Aberasturi/Reliance Invest (Owner)  
14 Townhouses  
28538 Huntwood Avenue  
Findings for Approval**

- A. Approval of the preliminary development plan, as conditioned, could not have a significant impact on the environment, cumulative or otherwise, and a Negative Declaration has been prepared.
- B. The 14 unit townhouse development is in substantial harmony with the surrounding single- and multiple-family structures, and mobile home park and the General Plan designation of Medium-Density and the Tennyson-Alquire Neighborhood Plan in that it is appropriate to develop this site with medium-density multi-family housing because the single family residential character will be maintained. In addition, this development will contribute to an attractive neighborhood pattern
- C. Existing and proposed streets and utilities will be adequate to serve the development. The street is of an adequate size to accommodate the additional traffic trips that will be generated by this project.
- D. The development creates a residential environment of sustained desirability and stability in that adequate open space has been provided, and park and school fees will be paid. In addition, the 14 townhouses will have no substantial adverse effect upon surrounding development in that it is compatible with the residential neighborhood and consistent with the housing density permitted on this site by the General Plan and the Zoning Ordinance.
- E. The exceptions that are necessary for the approval of the Planned Development are adequately compensated for by providing the opportunity for home ownership of 14 townhouses, the preservation of mature trees, compatibility with neighborhood standards, and the provision of usable open space in excess of that required.

**Zone Change PL-2002-0210 and Preliminary Plan  
Ronald Ko (Applicant)  
Eric Tang/Pilar Escand Aberasturi/Reliance Invest(Owner)  
14 Townhouses  
28538 Huntwood Avenue  
Conditions of Approval**

1. The proposed improvements shall be constructed and installed according to the preliminary plans labeled Exhibit "A", except as required to be modified by these conditions of approval. This approval is void two year after the effective date of approval unless prior to that time a building permit has been accepted by the City of Hayward Building Official to construct the project. Any modifications to the approved plans or conditions shall require prior review and approval from the Planning Director.
2. Prior to final inspection of the townhouses or occupancy (whichever occurs first), all improvements and conditions of approval shall be completed to the satisfaction of the Planning Director.
3. The final map shall be filed and approved by the City and in the County Recorders Office prior to the issuance of a certificate of occupancy of any home with the exception of those homes used as models.
4. Prior to the sale of any townhouse, the applicant shall create a Homeowners Association and shall record the CC&R's. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair. The Homeowners Association shall be responsible for implementing all storm water measures and the maintenance of all private driveway, private utilities, and other common areas and facilities on the site, including all landscaping.
5. The garage of each unit shall be maintained for off-street parking and shall not be converted to living area or storage. This requirement shall be incorporated into the project's CC&R's. The four open parking spaces shall not be used by project residents. Open paces shall be marked as "visitor only". Vehicles parked contrary to this provision shall be removed by the project homeowners association. Inoperable vehicles and other storage are prohibited in guest parking spaces. This requirement shall be reflected in the CC&Rs of the homeowner association.
6. The homeowners association shall maintain in good repair all streets, parking surfaces, common area and front yard landscaping and irrigation, street lighting, drainage improvements and fence. Any graffiti painted on the fence shall be painted out or removed within seven days of occurrence. The fence shall be treated with a graffiti sealant.
7. Any appropriate historical artifacts unearthed on the site in connection with the construction of the proposed project shall be offered to the Hayward Area Historical Society at no charge.

8. If any human remains are found during grading or construction, all work will be stopped and police called to investigate.
9. The Planning Director shall approve the colors and materials of the structures prior to the issuance of the building permit.
10. Upon application for a building permit, show elevations of top of curb, pavement and grade breaks; show location of water services and sewer laterals with a minimum separation of 6 feet; show water meters a minimum of 2 feet clear of top of driveway flare.

### **Fire Department**

11. All curbing except for those along designated parking spaces within the proposed development shall be painted red. "No Parking-Fire Lane" signage shall be posted at every 100 linear feet along the private driveway. There shall be no parking of vehicles on either side of the driveway
12. A new fire hydrant is required for the development and it shall be located across from lot #5 within the landscape island, approximately 60' into the development from the driveway entrance. The type of fire hydrant required shall be double steamer (2-4 ½" outlets and 1-2 ½" outlet) capable of flowing 3,000 gpm at 20 psi. In addition, a blue reflective pavement marker shall be installed adjacent to the fire hydrant location. Crash posts may be required for the fire hydrant pending field inspection.
13. The proposed development is for townhouses which are to be classified as a R-3 occupancy. The units will be required to have a two-hour separation (one hour rated separation walls between each unit) including all vertically constructed from floor to roof, including the attic space.
14. An address number shall be assigned to each building. Address numbers shall be a minimum of 6" in height or 4" self-illuminated, placed on a contrasting background, and shall be visible from the street.
15. Smoke detectors required per the California Building Code.
16. Building's greater than 5,000 square feet shall be protected with automatic fire sprinkler systems conforming to N.F.P.A. 13-D Standards which shall be installed within each townhouse unit. The fire sprinkler protection shall be modified to include garage and attic fire sprinkler protection for each unit. The fire sprinkler system shall be equipped with a local alarm bell that shall be installed in an approved location on each townhouse unit.
17. A fire permit is required for the construction of each building.
18. Building construction and fire protection requirements shall meet the current fire codes and adopted City Ordinances.
19. If chimneys are constructed, an approved spark arrestor shall be installed on all chimney caps.
20. A Phase I environmental site assessment may be required prior to the beginning of construction.

## **Solid Waste**

21. At building permit issuance, a Construction & Demolition Debris Recycling Statement & Summary Report is required to be filed with the Solid Waste Division, Public Works Department. All construction debris is required to be recycled.
22. Adequate storage space for garbage/recycling containers shall be provided within the garage or other enclosed area, subject to approval by the Planning Director, and shall be accessible for collection.
23. If gates with locks are planned to limit access to the property, then the Applicant must provide keys or cards to the garbage company, Waste Management of Alameda County

## **Utilities**

24. Prior to granting occupancy, water services shall be installed by City crews at developer's expense. The application for water services shall be presented to the City inspector.
25. It is recommended that a separate irrigation meter be installed for common landscape areas. Install Reduced Pressure Backflow Prevention Assembly on the irrigation water meter per City of Hayward Standard Detail 202.
26. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per municipal Code 11-2.02.1. Please note this requirement on the plans submitted for a building permit.
27. Only water Distribution Personnel shall perform operation of valves on the Hayward Water System. Please note this requirement on the plans submitted for a building permit.
28. Water and sewer service available subject to standard conditions and fees in effect at time of application.
29. Development to be served by radio read meters.
30. Utility meters shall be located at the sides of the residences and shall be screened by plant material or other approved material and shall provide sufficient distance for reader access.
31. Mechanical equipment, such as air conditioners, shall be prohibited on the roof of any building.

## **Miscellaneous**

32. Each unit shall be equipped with security lighting over the garage. The light fixtures shall be decorative and shall be approved by the Planning Director.
33. The front door of each unit shall be equipped with a 180-degree security viewfinder.

## **Architecture & Site Planning**

34. Four picnic tables and benches, two barbeques and a children's play area shall be installed in the group open space area. Trees shall not be disturbed to meet this requirement.

35. All units shall have sliding glass doors that lead to the patios.
36. A six-foot high redwood fence shall be provided at the property lines shared with adjacent residential properties. A fence plan shall be submitted for the review and approval of the Planning Director.
37. Decorative pavement shall be installed at the driveway entry to the project site. The Planning Director shall approve the type and design.
38. All units shall be provided with a private enclosed yard, subject to the approval of the Planning Director.

### **Landscaping**

39. Prior to issuance of a building permit, detailed landscape plans, irrigation plans and specifications shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscape plans must be approved by the City Landscape Architect and City Engineer. Mylar originals of the approved landscape plans shall be stamped approved and signed off by the City Landscape Architect and City Engineer. Approved original mylars shall be left on file with the Department of Public Works.
40. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. A Certificate of Substantial Completion and Irrigation Schedule shall be submitted by the project landscape architect prior to approval of occupancy of any units.
41. Submit a Landscape Water Use Statement.
42. The public right-of-way on Huntwood Avenue shall be landscaped and developed with a sidewalk, which shall meander around the existing 24" Walnut tree.
43. The 19" Cedar tree located in the front yard set back shall not be removed unless approved by the City of Hayward, Landscape Architect.
44. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch high class "B" Portland Cement concrete curb.
45. Landscaping and trees shall be installed prior to occupancy of the townhouses, unless otherwise approved by the City's Landscape Architect.
46. A hose bib shall be provided in the front and rear yard of each unit.
47. Prior to certificates of occupancy, the required park dedication in-lieu fee shall be paid to the City. Per the City's Parkland Dedication Ordinance, the amount of the fee shall be in accordance with the fee schedule for single-family residences in effect at the time of issuance of the building permits.
48. For the installation of common area landscaping, the developer shall maintain the landscaping for a minimum of one-year following acceptance of tract improvements. The City may require a security deposit, bond, or surety to guarantee the maintenance of the landscaping.

49. Landscaping shall be maintained in a healthy, weed-free, condition at all times, with replacement plants provided where necessary. Required street and on-site trees that are severely topped or pruned shall be immediately replaced, as determined by the City Landscape Architect.
50. All existing trees that are indicated to remain, as indicated on the approved preliminary landscape plan, are not to be removed during the construction phase of this project.

### **Construction Activities**

51. All construction and demolition debris waste shall be recycled. Applicant is required to submit a Construction and Demolition Debris Recycling Statement and Summary Report.
52. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building permits. The general contractor and all subcontractors and suppliers of material and equipment shall implement these BMP's. Construction site cleanup and control of construction debris shall also be addressed in this program. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and ensure that measures are implemented. Failure to comply with the approved construction BMP's will result in the issuance of correction notices, citations or a project stop work order.
53. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plans shall identify BMP's appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff facilities. The project plan shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion & Sediment Control Handbook.
54. Construction activities shall be limited to the hours of 7:30 AM to 5:00 PM on weekdays only; there shall be no construction activities on the weekend or National holidays.
55. Construction equipment shall be properly muffled, and unnecessary idling shall be prohibited.
56. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied homes.
57. The developer shall provide the Planning Director with the name and telephone number of the developer or the developer's representative who may be contacted during the construction phase regarding neighborhood complaints or concerns

**FINDINGS FOR APPROVAL**  
**TENTATIVE TRACT MAP 7263**

1. The approval of Tentative Map Tract 7263, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project is exempt from California Environmental Quality Act (CEQA) under Section 15332, In-fill Developments".
2. The tentative parcel map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the City of Hayward Zoning Ordinance.
3. The site is physically suitable for the proposed type of development.
4. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
6. Existing streets and utilities are adequate to serve the project.
7. None of the findings set forth in Section 64474 of the Subdivision Map Act<sup>1</sup> have been made.

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<sup>1</sup> <sup>1</sup> The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CONDITIONS OF APPROVAL  
TENTATIVE TRACT MAP 7263**

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

**PRIOR TO THE RECORDATION OF THE FINAL MAP**

**IMPROVEMENTS**

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

**STREETS**

**Interior Private Street**

- 1) The private street shall have a minimum width of 25 feet right-of-way, 24 feet curb to curb, and shall be constructed to public street standards. The street must remain unobstructed for vehicular ingress and egress. Any gates, humps or similar improvements shall be approved by the Fire Marshall and the Planning Director.
- 2) The driveway approach shall be a minimum 24-feet-wide and designed to meet City of Hayward Standard SD-110 (six-foot-flares).
- 3) The onsite streetlights and pedestrian lighting shall have a decorative design approved by the Planning Director and the City Engineer.

**Huntwood Avenue**

- 4) A sidewalk along the Huntwood Avenue frontage shall be installed to City standards and shall conform the existing improvements.

**Storm Drainage**

- 5) The on-site storm drain system shall be a private system owned and maintained by the homeowners association.



- 6) The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the Alameda County Flood Control and the City Engineer.
- 7) The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff.
- 8) The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
- 9) The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
- 10) The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
- 11) All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
- 12) At the connection point a storm water inlet shall be install at the curb face per the City of Hayward Standard Details. The inlet shall be a public inlet. The design and location shall be approved by the City Engineer.

#### **Sanitary Sewer System**

- 13) Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application.
- 14) The on-site sanitary sewer system shall be a private 8-inch building court main, designed with a manhole at all angle points and ending with a manhole. The sewer ejector and pressure line to the City sanitary sewer main shall be a private system. The sewer design shall meet the approval of the City Engineer.
- 15) Each unit shall have a separate sanitary sewer lateral that connects to the building court main.

### **Water System**

- 16) Water service is available subject to standard conditions and fees in effect at the time of application.
- 17) The proposed water supply system shall be public. Unless otherwise approved by the Public Works Director Utilities, the design shall be a looped system designed to City of Hayward standards.
- 18) Onsite water mains shall be located 5 feet from the face of curb on the opposite side of the street from the sewer main.
- 19) Water services shall be located 6 feet from sanitary sewer laterals.
- 20) Each unit shall be individually metered. The developer shall install individual radio read water meters.

### **Utilities**

- 21) All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, Pacific Bell Company and Pacific Bell Company Broadband Company regulations, including transformers.
- 22) All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed street shall be located outside of the sidewalk within the 5-foot-wide Public Utility Easement in accordance with the requirements of the City Engineer.
- 23) All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

### **Landscaping and Irrigation**

- 24) Prior to the approval of the improvement plans a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.
- 25) Minimum 24" box trees shall be planted along the property frontage. The City's Landscape Architect shall approve the type, number, and location of these trees.
- 26) Construct Class B Portland Cement concrete curbs to a height of 6-inches above the finished pavement anywhere landscaped areas adjoin driveway and parking areas.
- 27) Within all required landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed. A hose bib shall be provided within each private yard.

### **Retaining Walls**

28) All proposed retaining walls shall be constructed with decorative reinforced concrete.

### **Dedications, Easements and Encroachment Permits**

29) The final map shall reflect:

- a. A 6-foot-wide public utility easements (PUE) along the Huntwood Avenue frontage.
- b. Dedication of public utility easements (PUE) abutting the proposed private street right-of-way. The location and PUE widths shall be approved by the City Engineer.

### **Conditions, Covenants, and Restrictions**

30) Prior to the sale of any individual unit, or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the private street, common area landscaping and open space amenities as depicted on the approved Tentative Map Tract 7263 and CC&R's prepared for the project which shall be reviewed and approved by the Planning Director that shall include the following conditions:

- a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
- b. A reserve fund shall be maintained to cover the costs of replacement and repair of the private street, common area landscaping and open space amenities.
- c. The association shall be managed and maintained by a professional property management company.
- d. Provisions for towing unauthorized vehicles from the site.
- e. A requirement that a Homeowners' Association Architectural Review Committee be established to review and approve all exterior improvements; including fences, walls or changes to individual homes to ensure consistency with the CC&Rs.
- f. The site shall be maintained in good repair, and free of debris at all times.
- g. A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 48 hours of inspection or within 48 hours of notification by the City's community Preservation Officer.

- h. The homeowners' association shall maintain the irrigation system and maintain the landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within 10 days.
- i. Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association per Section 10-3.385 of the Subdivision Ordinance.
- j. A tree removal permit is required prior to the removal of any tree with a diameter of 10-inches or larger.
- k. Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.
- l. Each resident shall participate in the City's recycling program.

#### **Subdivision Agreement**

- 31) Execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332 of the Hayward Municipal Code, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

#### **PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS**

- 32) Required water system improvements shall be completed and operational prior to the start of combustible construction.
- 33) A minimum 24-foot-wide all-weather access road, engineered for 50,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

#### **DURING CONSTRUCTION**

- 34) The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
  - a. Grading and construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays;
  - b. Grading and construction equipment shall be properly muffled;

- c. Unnecessary idling of grading and construction equipment is prohibited;
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
- f. The developer shall participate in the City's recycling program during construction;
- g. Daily clean-up of trash and debris shall occur on Huntwood Avenue.
- h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- n. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.

- r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
  - s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
  - t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See *"Building Maintenance/Remodeling"* flyer for more information;
  - u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
  - v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
- 35) A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
- 36) The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
- 37) Construction Administration services shall be provided by the project landscape architect. Services to include:
- a. Observation of irrigation system before buying pipes;
  - b. Observation of plant material upon delivery to the site;
  - c. Observation of layout and placement of plant material upon delivery to the site;
  - d. Observation for maintenance period commencement; and
  - e. Observation for final acceptance.

### **PRIOR TO ISSUANCE OF A BUILDING PERMIT**

- 38) Detailed landscape plans, irrigation plans, and specifications shall be prepared by a licensed landscape architect and submitted for review and approval by the City Landscape Architect and the City Engineer. Mylar originals of the approved landscape plans shall be stamped approved and signed off by the City Landscape Architect and the City Engineer. Approved original mylars shall be left on file with the Department of Public Works. (For small scale projects where review could be done with the turn around time for building permit review.)

### **PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY**

- 39) The applicant/developer shall pay the following fees, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits;
- a. Supplemental Building Construction and Improvement Tax;
  - b. School Tax; and
  - c. Park Dedication in-lieu fees for each unit.
  - d. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.
- 40) Any damaged curb, gutter and/or sidewalk along the Huntwood Avenue property frontage shall be repaired or replaced to the satisfaction of the City Engineer.
- 41) A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.
- 42) Prior to granting occupancy, water services shall be installed by City crews at the developer's expense. The application for water services shall be presented to the City Inspector.
- 43) Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.
- 44) All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
- 45) The street light electroliers shall be in operating condition as approved by the City Engineer.

**PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED**

- 46) All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
- 47) All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
- 48) An AC overlay along the Huntwood Avenue frontage may be required by the City Engineer, if it is determined that it is necessary due to deterioration resulting from heavy traffic during the construction.
- 49) The improvements associated with the Pacific Gas and Electric Company, Pacific Bell Company and Pacific Bell Broadband Company shall be installed to the satisfaction of the respective companies.
- 50) The subdivider shall submit an "as built" plan indicating the following:
  - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, Pacific Bell Company and Pacific Bell Broadband Company, etc; and
  - b. All the site improvements, except landscaping species, buildings and appurtenant structures.





## CITY OF HAYWARD NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

### ***I. PROJECT DESCRIPTION:***

Zone Change No. PL-2002-0210 and Tract 7263 - Request to build a 14 townhouse development on a vacant, 53,020-square-foot parcel and to modify a Planned Development (PD) District.

### ***II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:***

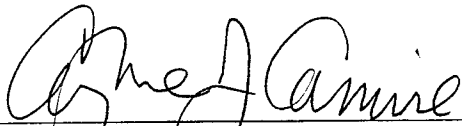
The proposed project could not have a significant effect on the environment.

### ***FINDINGS SUPPORTING DECLARATION:***

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since it will be developed on property that was once part of a parcel developed with a single-family home within an urban setting.
4. The project will not result in significant impacts related to changes into air quality since any impacts would be temporary occurring during the construction phase. The measures taken to mitigate impacts are required to meet the State air quality standards specified in the Clean Air Plan adopted by the Bay Area Quality Management District. In addition the City requires the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any building permit.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since it will be developed on a vacant lot within adjacent to a single-family residential neighborhood within an urban setting.
6. The project will not result in a significant impacts to cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains because the project will be developed on a vacant lot within adjacent to a single-family residential neighborhood within an urban setting.

7. The project site is not located within a "State of California Earthquake Fault Zone." Construction related to this project will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials. The vacant lot is adjacent to a Mobile Home Park, a condominium development, and a single-family residential neighborhood all within an urban setting.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.
10. The project, with a general map amendment, is consistent with the policies of the City General Policies Plan, the General Plan Map designation of Medium Density Residential, the Zoning Ordinance and the Tennyson-Alquire Neighborhood Plan.
9. The project could not result in a significant impact to mineral resources since the site is a vacant lot within adjacent to a single-family residential neighborhood within an urban setting and mineral resources do not exist on the project site.
11. The project will not have a noise impact and all interior noise standards as specified in the Noise Element of the General Policies Plan will be met.
12. The project will introduce 14 townhouses into an area where growth is desirable and anticipated by the General Policies Plan. The zoning designation is Planned Development and will be modified in order to require conditions of approval that are specific to this project. The General Plan Map land use designation for the site is Medium-Density Residential. Both allow the site to be developed with 14 townhouse units. The lot is vacant therefore, displacement of residents will not occur.
13. The project will not result in a significant impact to public services. School fees will be paid prior to the issuance of a building permit and the schools can accommodate the 3 additional students.
14. The project has adequate open space; the payment of Park Dedication fees is required prior to the issuance of a building permit.
15. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access. The project would generate 14 vehicle trips during peak hours and 140 trips a day.
16. The project will not require additional service systems. There are sanitary sewer, water, and storm drain mains available of adequate size to serve this project.

I. **PERSON WHO PREPARED INITIAL STUDY:**



Arlynn J. Camire, AICP Associate Planner

Dated: April 1, 2002

II. **COPY OF INITIAL STUDY IS ATTACHED**

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4206 or (510) 583-4207, or e-mail [arlynne@ci.hayward.ca.us](mailto:arlynne@ci.hayward.ca.us) or [timk@ci.hayward.ca.us](mailto:timk@ci.hayward.ca.us).

**DISTRIBUTION/POSTING**

- Provide copies to all organizations and individuals requesting it in writing.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



## Environmental Checklist Form

1. Project title: Zone Change No. PL-2002-0210 and Tract 7263- Ronald Ko (Applicant), Eric Tang/Pilar Escand Aberasturi/Reliance Invest(Owner) –Request to build a 14-unit townhouse development and to modify a Planned Development (PD) District.
2. Lead agency name and address: City of Hayward, 777 B Street, Hayward, CA 94541
3. Contact person and phone number: Arlynne J. Camire Associate Planner (510) 583-4206
4. Project location: 28538 Huntwood Avenue in the Planned Development (PD) Zoning District. The vacant property is located south of West Tennyson Road, on the east side of Huntwood Avenue.
5. Project sponsor's name and address: Ronald Ko, P.O.Box 1074, Millbrae, CA 94030
6. General plan designations: Medium Density Residential
7. Zoning: Planned Development (PD) Zoning District
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.) – Modification of a Planned Development Zoning District to allow a subdivision to build 14 Townhouses on a vacant 53,020 square-foot parcel.
9. Surrounding land uses and setting: Briefly describe the project's surroundings: The site is within a neighborhood developed with multi-family units, mobile homes and single-family homes.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) N/A.

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

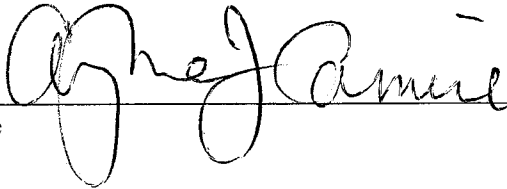
- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils         |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use / Planning    |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing   |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature



April 1, 2002  
Date

Arlynne J. Camire, AICP Associate Planner  
Printed Name

City of Hayward

## ENVIRONMENTAL ISSUES:

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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### I. AESTHETICS -- Would the project:

- a) Have a substantial adverse effect on a scenic vista?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project (14 townhouses) will not adversely affect scenic vistas.*

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project will not damage scenic resources. The vacant parcel was once developed with a single-family home. There are several trees and the applicant intends to preserve the following 28" and 6" Redwoods located in the northwestern corner in the front yard set back, 38-inch Live Oak located on the north side of the site, 38-inch London Plane Tree located in the center of the site, a small cluster of Redwoods located in the northeastern corner of the site (16", 20", 24" & 25"), and a 26" Pepper Tree located in the rear southern corner. Trees that will be removed include: 14" Pepper located in the northern side yard set back, 19" Deodar Cedar located in the northwestern corner of the site within the front yard set back, 24" Walnut located in the public right-of-way to be developed with a public sidewalk, a 6" Australian Willow also located within the right-of-way to be developed with a public sidewalk and various Elms, Peppers, Plums and Almond trees 3" to 24" located on the southern property line and in the southern side yard set back.*

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The site is vacant and is bounded by a mobile home park to the east and south, a multi-family development (Raintree Condominiums) to the north and single-family homes located to the west across Huntwood Avenue. The 14 townhouses to be constructed are in conformance with City of Hayward Zoning Ordinance development standards and Hayward Design Guidelines.*

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project will not be a source of substantial light or glare.*

**II. AGRICULTURE RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*The project site is not within a farmland area.*

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project is not located in an agricultural district or an area used for agricultural purposes.*

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? <i>See II b.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**III. AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project will not affect air quality. Properties within the City of Hayward are required to meet State air quality standards specified in the Clean Air Plan adopted by the Bay Area Quality Management District.*

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? <i>See III a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Any impacts to air quality will be temporary lasting during the construction phase. See III a.*

e) Expose sensitive receptors to substantial pollutant concentrations? <i>See III a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) Create objectionable odors affecting a substantial number of people? <i>See III a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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#### IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project site at one time was developed with a single-family home. Since the property is urban in nature, biological resources will not be adversely affected.*

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? *See IV a.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? *See IV a.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? *See IV a.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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g) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The General Plan Map designation is Medium Density Residential (MDR), therefore the project is in conformance with the General Policies Plan. The project will not affect biological resources since it is in an urban setting.*

h) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project is in an urban area and was once developed with a single-family home that was built in 1953 and demolished in 1989.*

#### V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*No known historical resources exist on-site.*

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*No known archaeological resources exist in on-site.*



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? <i>No known paleontological resources exist on-site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? <i>No known human remains are located on-site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VI. GEOLOGY AND SOILS -- Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <i>The project is outside the Hayward Special Studies Fault Zone.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. <i>The project is outside the Hayward Special Studies Fault Zone.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? <i>The project is not located within a "State of California Earthquake Fault Zone and will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? <i>Liquefaction and differential compaction is not considered to be a serious problem on this site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? <i>The project is not located within an area subject to landslides.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? <i>The project is within an urban setting that does not include agricultural land.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <i>Prior to issuance of any building permit, engineering and building staff will review a geologic and soils investigation report to design adequately the building foundations for the soil type for new projects. Judging from past geologic activities in the area of the project, the soil types have not exhibited any of the characteristics that would indicate that any of these conditions exist or are possible.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? <i>Prior to issuance of a building permit, engineering and building staff will review a geologic and soils investigation report to adequately design the building foundations for the soil type on-site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? <i>The project will be connected to the City of Hayward sewer system.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:**

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? <i>The site is located within a residential neighborhood and is developed with a single-family home. There is no evidence of hazardous materials.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <i>See VII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? <i>See VII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <i>See VII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? <i>The project is not located within an airport zone.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? <i>See VIII e.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
i) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? <i>The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the neighborhood where the townhouses are to be constructed. Emergency response times will be maintained.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? <i>The project is not located in an area of wildlands and is not adjacent to wildlands.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VIII. HYDROLOGY AND WATER QUALITY--</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements? <i>The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? <i>The site will be served by East Bay Municipal Utilities District (EBMUD). Therefore, water quality standards will not be violated and groundwater supplies will not be depleted. Furthermore, recharge of the groundwater table will not be affected.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? <i>The project is not located near a stream or a river. The construction of the 14 townhouses will not result in substantial erosion or siltation on-or off-site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? <i>The project is within an urban area and has been developed as such. Drainage patterns on the site will not cause flooding. A grading and drainage plan is required to be approved prior to grading of the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>The amount of run-off from the project is not anticipated to increase and will not exceed the capacity of the stormwater drainage system. See VIII a.</i>				
f) Otherwise substantially degrade water quality? <i>See VIII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>According to FEMA Flood Insurance Rate Maps, the 100-year flood hazard area is not contained this site.</i>				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <i>See VIII g.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i>See VIII g.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>The project is not in a location that would allow these phenomena to affect the site.</i>				

**IX. LAND USE AND PLANNING - Would the project:**

a) Physically divide an established community? <i>The project will not physically divide the existing community.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>The project is consistent with the General Plan Map designation of Medium Density Residential (MDR.) The project is consistent with the policies of the City General Policies Plan, the Zoning Ordinance and the Tennyson-Alquire Neighborhood Plan.</i>				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? <i>See IV f.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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**X. MINERAL RESOURCES** – Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project will not result in a significant impact to mineral resources since the project study area is a developed urbanized area that does not contain mineral resources.*

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? *See X a.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**XI. NOISE** - Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Exposure of persons to or generation of any new noise or noise levels in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code, or applicable standards of other agencies will not from the 14-unit townhouse project. All City noise standards are required to be met and maintained.*

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? *See XI a.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? *See XI a*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? *See XI a*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? *See VII e.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? *See VII e.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**XII. POPULATION AND HOUSING** -- Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The project is within the anticipated density for the site. See IX b.*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <i>Fourteen will be built on a vacant lot that once contained a single-family home build in 1953 and demolished in 1989. See IX b.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? <i>See IX b and XII a &amp; b.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

**Fire protection?** *The project would not result in the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. Response times will not be altered. There will not be an increase in governmental costs to provide services to this site. .*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Police protection?** *See XIII a.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Schools?** *The Hayward Unified School District has planned for student enrolment based on anticipated densities specified in the City of Hayward General Policies Plan. This project will not generate a number of students that cannot be served by existing facilities. Using the Student Generation Factors for multiple family, as provided by the Hayward Unified School District (2001), the following is projected: (K-6: 1.358, 7-8: .49, 9-12: .49) or 2.338(3) students. In addition, school fees will be collected prior to the issuance of a building permit.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Parks?** *The project will be is served by the Hayward Area Recreation and Park District. Tennyson Park serves this neighborhood. In addition, a park dedication fee is required to be paid prior to the issuance of a building permit.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Other public facilities?** *No other public facilities will be significantly impacted.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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#### XIV. RECREATION --

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?  
*The Hayward Area Recreation and Park District Tennyson Park serves the neighborhood. However, 4,834 square feet group open space area and a fenced private area with a patio. See XIII a (parks).*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? *See XIV a.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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#### XV. TRANSPORTATION/TRAFFIC -- Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Townhouses traditionally produce fewer trips than single-family homes. The anticipated traffic impact is the addition of 14 trips during peak hours and 140 trips a day. This increase is not significant and will not have an impact.*

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? *See XV a.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?  
*The project will not affect air traffic patterns.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Traffic hazardous do to design features or incompatible uses will not result from the construction of the 14 townhouses.*

- e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards. Current Fire Codes will be met.*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
f) Result in inadequate parking capacity? <i>Adequate on-site parking will be provided.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? <i>The project does not conflict with adopted policies supporting alternative transportation. It is located walking distance from Alameda County Transit buses.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? <i>Wastewater treatment requirements are met by the City of Hayward therefore, all treatment requirements will continue to be met.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>The City of Hayward wastewater facility has the capacity to serve the addition of 14 townhouses.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>The existing storm drain system has the capacity to serve the 14 townhouses.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? <i>The East Bay Municipal Utilities District supplies water and the service to the 14 townhouses.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? <i>The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? <i>Waste Management of Alameda County will dispose the solid waste. The residents will participate in a citywide recycling program. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year 2034.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? <i>The project will participate in the Waste Management of Alameda County recycling program under contract with the Oro Loma Sanitary District. Service will remain the same for this site as the entire neighborhood.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# DRAFT

HAYWARD CITY COUNCIL

*mm*  
*6/17/02*

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION APPROVING ZONE CHANGE APPLICATION  
NO. PL 2002-0210 AND TENTATIVE TRACT MAP NO. 7263  
AND CERTIFYING THAT THE INITIAL STUDY AND  
NEGATIVE DECLARATION HAVE BEEN COMPLETED IN  
COMPLIANCE WITH THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT

WHEREAS, Zone Change Application No. PL 2002-0210 and Tentative Tract Map 7263 concerns a request by Ronald Ko (Applicant) and Eric Tang/Pilar Escand Aberasturi/Reliance Investment (Owner) to modify the preliminary development plan for a Planned Development (PD) District and approve a tentative tract map to accommodate 14 Townhouses on property located at 28538 Huntwood Avenue, South of West Tennyson Boulevard; and

WHEREAS, a negative declaration has been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the Planning Commission held a public hearing on April 25, 2002, regarding Zone Change Application No. PL 2002-0210 and Tentative Tract Map No. 7263, in accordance with the procedures contained in the Hayward Zoning Ordinance, codified as Article 1, Chapter 10 of the Hayward Municipal Code, and recommended approval of the initial study, negative declaration, tentative map, zone change and preliminary development plan; and

WHEREAS, the City Council of the City of Hayward has independently reviewed and considered the information contained in the initial study upon which the negative declaration is based, certifies that the negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the negative declaration reflects the independent judgment of the City of Hayward; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines as follows:

Zone Change No. PL 2002-0210

- A. The proposed project will not have a significant effect on the environment. A Negative Declaration has been prepared pursuant to the California Environmental Quality Act;

- B. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the 14 townhouses will be available for home ownership;
- C. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the zone change meets the policies of the General Plan Medium Density designation of the General Plan;
- D. Existing streets and public facilities are adequate to serve the 14 townhouses development in that the existing street system, the sewer and storm drain system and water system are able to accommodate this development;
- E. The residential uses permitted by the modified preliminary development plan will be compatible with the present and potential future uses allowed in the Planned Development district, and, further, a beneficial effect will be achieved, which is not obtainable under existing regulations, in that the 14-townhouse project can be built on a property that is not currently developed to its potential as prescribed by the General Policies Plan and the Tennyson-Alquire Neighborhood Plan.

#### Preliminary Development Plan

- A. Approval of the preliminary development plan, as conditioned, could not have a significant impact on the environment, cumulative or otherwise, and a Negative Declaration has been prepared;
- B. The 14 unit townhouse development is in substantial harmony with the surrounding single- and multiple-family structures, and mobile home park and the General Plan designation of Medium-Density and the Tennyson-Alquire Neighborhood Plan in that it is appropriate to develop this site with medium-density multi-family housing because the single family residential character will be maintained. In addition, this development will contribute to an attractive neighborhood pattern;
- C. Existing and proposed streets and utilities will be adequate to serve the development. The street is of an adequate size to accommodate the additional traffic trips that will be generated by this project.
- D. The development creates a residential environment of sustained desirability and stability in that adequate open space has been provided, and park and school fees will be paid. In addition, the 14 townhouses will have no substantial adverse effect upon surrounding development in that it is compatible with the residential neighborhood and consistent with the housing density permitted on this site by

- the General Plan and the Zoning Ordinance;
- E. The exceptions that are necessary for the approval of the Planned Development are adequately compensated for by providing the opportunity for home ownership of 14 townhouses. In addition, a quality in-fill residential project will be constructed on a parcel that has remained vacant since 1989.

**Tentative Tract Map 7263**

- A. The approval of Tentative Map Tract 7263, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and a Negative Declaration has been prepared.
- B. The tentative parcel map substantially conforms to the State Subdivision map Act, the City's Subdivision Regulations, the General Policies Plan, and the City of Hayward Zoning Ordinance;
- C. The site is physically suitable for the proposed type of development;
- D. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- E. The design of the subdivision and the proposed improvements are not likely to cause serious health problems;
- F. Existing streets and utilities are adequate to serve the project;
- G. None of the findings set forth in section 64474 of the Subdivision Map Act have been made.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hayward that, based on the findings noted above, that Zone Change Application No. PL 2002-0210 and Tentative Tract Map No. 7263 are hereby approved, subject to the conditions of approval contained in Exhibit A attached hereto and incorporated as a part of this resolution, and the adoption of the companion ordinance modifying the preliminary development plan for a Planned Development (PD) District to accommodate 14 townhouses.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

# DRAFT

ORDINANCE NO. 02-0

*W. J. L.*  
*6/17/02*

AN ORDINANCE AMENDING THE ZONING DISTRICT  
MAP OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD  
MUNICIPAL CODE BY MODIFYING THE PRELIMINARY  
DEVELOPMENT PLAN FOR CERTAIN TERRITORY  
LOCATED AT 28438 HUNTWOOD AVENUE IN A  
PLANNED DEVELOPMENT DISTRICT PURSUANT TO  
ZONE CHANGE APPLICATION NO. PL 2002-0210

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS  
FOLLOWS:

Section 1. The Zoning District Map of Chapter 10, Article 1 of the Hayward  
Municipal Code is hereby amended by modifying the preliminary development plan for  
the property located at 28538 Huntwood Avenue to accommodate 14 townhomes.

Section 2. In accordance with the provisions of section 620 of the City Charter, this  
ordinance shall become effective 30-days from the date of its adoption

INTRODUCED at a regular meeting of the City Council of the City of  
Hayward, held the \_\_\_ day of \_\_\_\_\_, 2002, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward  
held the \_\_\_\_\_ day of \_\_\_\_\_, 2002, by the following votes of members of said City  
Council.

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

MAYOR:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward